

STATE OF NEW YORK

626

2019-2020 Regular Sessions

IN SENATE

(Prefiled)

January 9, 2019

Introduced by Sen. BOYLE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to reporting of contributions or grants from a government agency by registered charitable organizations

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 1 of section 172-b of the executive law, as
2 amended by section 3-a of chapter 549 of the laws of 2013, is amended to
3 read as follows:

4 1. Every charitable organization registered or required to be regis-
5 tered pursuant to section one hundred seventy-two of this article which
6 shall receive in any fiscal year gross revenue and support in excess of
7 seven hundred fifty thousand dollars shall file with the attorney gener-
8 al an annual written financial report, on forms prescribed by the attor-
9 ney general, on or before the fifteenth day of the fifth calendar month
10 after the close of such fiscal year. The annual financial report shall
11 be accompanied by an annual financial statement which includes an inde-
12 pendent certified public accountant's audit report containing an opinion
13 that the financial statements are presented fairly in all material
14 respects and in conformity with generally accepted accounting princi-
15 ples, including compliance with all pronouncements of the financial
16 accounting standards board and the American Institute of Certified
17 Public Accountants that establish accounting principles relevant to
18 not-for-profit organizations. Such financial report shall include a
19 statement of any changes in the information required to be contained in
20 the registration form filed on behalf of such organization. The finan-
21 cial report shall be signed by the president or other authorized officer
22 and the chief fiscal officer of the organization who shall certify under
23 penalties for perjury that the statements therein are true and correct

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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1 to the best of their knowledge, and shall be accompanied by an opinion
2 signed by an independent public accountant that the financial statement
3 and balance sheet therein present fairly the financial operations and
4 position of the organization.

5 The attorney general may require the reporting of a contribution or grant from a government agency during the
6 reporting period, including but not limited to foreign government enti-
7 ties.

8 A fee of twenty-five dollars payable to the attorney general shall
9 accompany such financial report at the time of filing, provided however,
10 that any such organization that is registered with the attorney general
11 pursuant to article eight of the estates, powers and trusts law is
12 required to file only one annual financial report which meets the filing
13 requirements of this article and section 8-1.4 of the estates, powers
14 and trusts law.

15 § 2. Subdivision 1 of section 172-b of the executive law, as amended
16 by section 3-b of chapter 549 of the laws of 2013, is amended to read as
17 follows:

18 1. Every charitable organization registered or required to be regis-
19 tered pursuant to section one hundred seventy-two of this article which
20 shall receive in any fiscal year gross revenue and support in excess of
21 one million dollars shall file with the attorney general an annual writ-
22 ten financial report, on forms prescribed by the attorney general, on or
23 before the fifteenth day of the fifth calendar month after the close of
24 such fiscal year. The annual financial report shall be accompanied by an
25 annual financial statement which includes an independent certified
26 public accountant's audit report containing an opinion that the finan-
27 cial statements are presented fairly in all material respects and in
28 conformity with generally accepted accounting principles, including
29 compliance with all pronouncements of the financial accounting standards
30 board and the American Institute of Certified Public Accountants that
31 establish accounting principles relevant to not-for-profit organiza-
32 tions. Such financial report shall include a statement of any changes in
33 the information required to be contained in the registration form filed
34 on behalf of such organization. The financial report shall be signed by
35 the president or other authorized officer and the chief fiscal officer
36 of the organization who shall certify under penalties for perjury that
37 the statements therein are true and correct to the best of their know-
38 ledge, and shall be accompanied by an opinion signed by an independent
39 public accountant that the financial statement and balance sheet therein
40 present fairly the financial operations and position of the organiza-
41 tion.

42 The attorney general may require the reporting of a contribution
43 or grant from a government agency during the reporting period, including
44 but not limited to foreign government entities. A fee of twenty-five
45 dollars payable to the attorney general shall accompany such financial
46 report at the time of filing, provided however, that any such organiza-
47 tion that is registered with the attorney general pursuant to article
48 eight of the estates, powers and trusts law is required to file only one
49 annual financial report which meets the filing requirements of this
50 article and section 8-1.4 of the estates, powers and trusts law.

51 § 3. This act shall take effect immediately, provided that the amend-
52 ments to subdivision 1 of section 172-b of the executive law made by
53 section one of this act shall be subject to the expiration and reversion
54 of such subdivision, when upon such date the provisions of section two
55 of this act shall take effect.